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10/648,014	08/26/2003	David Dennis Latham	16210-US	3470

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EXAMINER

ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.

Non-Compliant Appeal Brief

Regarding item 4, the summary of claimed subject matter refers to primed numbers in drawings not approved and in amendments to the specification held to be new matter. The summary should refer only to original drawings and original detailed disclosure or approved drawings and amendments. The summary should also clearly identify every means plus function as set forth in 4 (b) 1 and 2. For example, the means plus function in claims 9 and 16 should be identified as set forth above.

Regarding items 5 and 6, the grounds of rejection to be reviewed must identify each ground of rejection set forth in the final rejection presented for review. Note this would be each of the six art rejections set forth in the final rejection. Note the rejections of claim 15 are brought forth from the office action mailed 07/16/07. Further the first ground of rejection argued in appellants' appeal brief is not a ground of rejection but an objection to an amendment to the specification. See the final rejection, page 2, third paragraph. This is a petitionable and not an appealable issue. See MPEP 608.04(c). Thus it should not appear in the grounds of rejection or referenced in the arguments as a rejection.

In conclusion the correction of the above issues is paramount to the acceptance of an appeal brief.

/Donald Underwood/

Primary Examiner, Art Unit 3652

07/27/09